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Dkt. 7156/52427-AA/JPW/GJG/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Don Fishbein
Serial No. : 10/799,264 Examiner: Alicia R. Hughes
Filed : March 12, 2004 Group Art Unit: 1614
For : USE OF OXANDROLONE IN THE TREATMENT OF BURNS
AND OTHER WOUNDS

1185 Avenue of the Americas
New York, New York 10036
June 25, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT IN RESPONSE TO MARCH 23, 2007 OFFICE ACTION AND
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This is an Amendment in response to an Office Action issued by the United States Patent and Trademark Office on March 23, 2007 in connection with the above-identified application, including a Supplemental Information Disclosure Statement. A response to the March 23, 2007 Office Action is due June 23, 2007. However, since June 23, 2007 falls on a Saturday, a response filed on the next succeeding day which is not a Saturday, Sunday or Federal Holiday, i.e. Monday, June 25, 2007, is considered timely under 37 C.F.R. §1.7. Accordingly, this Amendment is being timely filed.

06/27/2007 AAHMADI 00000001 10799264

Please amend the subject application as follows:

180.00 OP

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Serial No. : 10/799,264
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The District Court's Order Vacating Temporary Restraints And Denial Of A Preliminary Injunction, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey; **(Exhibit 4)**;

6. December 14, 2006, Savient's Reply In Support Of Its Emergency Motion For Stay Pending Appeal Of The District Court's Order Vacating Temporary Restraints And Denial Of A Preliminary Injunction, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey; **(Exhibit 5)**
7. Office Action issued March 23, 2007 in connection with U.S. Serial No. 10/799,197; **(Exhibit 6)**
8. Office Action issued June 30, 2006 in connection with U.S. Serial No. 10/799,197; **(Exhibit 7)**
9. Final Office Action issued February 28, 2006 in connection with U.S. Serial No. 10/799,197; **(Exhibit 8)**
10. Office Action issued June 1, 2005 in connection with U.S. Serial No. 10/799,197; **(Exhibit 9)**
11. Final Office Action issued March 26, 2007 in connection with U.S. Serial No. 10/052,961; **(Exhibit 10)**
12. Office Action issued August 25, 2006 in connection with U.S. Serial No. 10/052,961; **(Exhibit 11)**
13. Advisory Action issued June 5, 2006 in connection with U.S. Serial No. 10/052,961; **(Exhibit 12)**
14. Final Office Action issued January 6, 2006 in connection with U.S. Serial No. 10/052,961; **(Exhibit 13)**
15. Office Action issued April 11, 2005 in connection with U.S. Serial No. 10/052,961; **(Exhibit 14)**
16. Office Action issued June 17, 2004 in connection with

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with his duty of disclosure under 37 C.F.R. §1.56, the applicant directs the Examiner's attention to the following references which are listed on the PTO-1449 form attached hereto as **Exhibit A** and are also listed below. Reference 1 is a U.S. Patent and no copy of this reference is attached hereto as permitted under 37 C.F.R. §1.98(a)(2)(ii). Copies of items 2-29 are attached hereto as **Exhibits 1-28**.

1. U.S. Patent No. 5,096,916, issued March 17, 1992, Skupkin;
2. December 4, 2006, Verified Complaint For Patent Infringement, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey; (**Exhibit 1**);
3. December 12, 2006, Notice of Appeal, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey; (**Exhibit 2**);
4. December 12, 2006, Sandoz's Memorandum In Opposition To Savient's Emergency Motion For Stay Pending Appeal Of The District Court's Order Vacating Temporary Restraints And Denial Of A Preliminary Injunction, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey; (**Exhibit 3**);
5. December 12, 2006, Upshur-Smith's Response In Opposition To Savient's Emergency Motion For Stay Pending Appeal Of

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Serial No. : 10/799,264
Filed : March 12, 2004
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- U.S. Serial No. 10/052,961; (**Exhibit 15**)
17. Advisory Action issued April 28, 2004 in connection with U.S. Serial No. 10/052,961; (**Exhibit 16**)
 18. Final Office Action issued January 14, 2004 in connection with U.S. Serial No. 10/052,961; (**Exhibit 17**)
 19. Office Action issued April 9, 2003 in connection with U.S. Serial No. 10/052,961; (**Exhibit 18**)
 20. Office Action issued January 23, 1996 in connection with U.S. Serial No. 08/244,988; (**Exhibit 19**)
 21. Office Action issued March 2, 2000 in connection with U.S. Serial No. 08/244,988; (**Exhibit 20**)
 22. Office Action issued May 15, 2001 in connection with U.S. Serial No. 09/469,817; (**Exhibit 21**)
 23. Notice of Allowability issued October 18, 2004 in connection with U.S. Serial No. 10/011,377; (**Exhibit 22**)
 24. Office Action issued July 28, 2004 in connection with U.S. Serial No. 10/011,377; (**Exhibit 23**)
 25. Notice of Allowability issued June 10, 2004 in connection with U.S. Serial No. 10/011,377; (**Exhibit 24**)
 26. Office Action issued December 17, 2003 in connection with U.S. Serial No. 10/011,377; (**Exhibit 25**)
 27. Office Action issued June 18, 2003 in connection with U.S. Serial No. 10/011,377; (**Exhibit 26**)
 28. Office Action issued December 1, 1999 in connection with U.S. Serial No. 08/985,734; (**Exhibit 27**)
 29. Office Action issued July 7, 1998 in connection with U.S. Serial No. 08/985,734. (**Exhibit 28**)

This Supplemental Information Disclosure Statement is being submitted under 37 C.F.R. §1.97(c)(2), accompanied by the fee of ONE HUNDRED EIGHTY DOLLARS (\$180.00) set forth in 37 C.F.R. §1.17(p).

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The Examiner is respectfully requested to make these references of record in the present application by initialing and returning a copy of the enclosed Form PTO 1449.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$180.00 fee, is deemed necessary in connection with the filing of this Supplemental Information Disclosure. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully Submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
<i>Gary J. Gershik</i> John P. White Reg. No. 28,678 Gary J. Gershik Reg. No. 39,992	<i>6/25/07</i> Date

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U.S. Department of Commerce
Patent and Trademark Office

(Use several sheets if necessary)

Application Number	10/799,264
Filing Date	March 12, 2004
First Named Inventor	Don Fishbein
Art Unit	1614
Examiner Name	Alicia R. Hughes
Attorney Docket No.	52427-AA /JPW/GJG/BJA/PJS

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code*Number*Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶

**EXAMINER
SIGNATURE**

DATE CONSIDERED

* **EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See *Kind of Codes of USPTO Patent Documents* at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

Applicant: Don Fishbein
Serial No.: 10/799,264
Filed: March 12, 2004
Exhibit A

Form PTO-1449 SUBSTITUTE		U.S. Department of Commerce Patent and Trademark Office		Application Number 10/799,264 Filing Date March 12, 2004 First Named Inventor Don Fishbein Art Unit 1614 Examiner Name Alicia R. Hughes Attorney Docket No. 52427-AA /JPW/GJG/BJA/PJS
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				
NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²	
		December 4, 2006, Verified Complaint For Patent Infringement, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey		
		December 12, 2006, Notice of Appeal, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey		
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		December 12, 2006, Upshur-Smith's Response In Opposition To Savient's Emergency Motion For Stay Pending Appeal Of The District Court's Order Vacating Temporary Restraints And Denial Of A Preliminary Injunction, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey		
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EXAMINER SIGNATURE		DATE CONSIDERED		
<small>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²Applicant is to place a checkmark here if English language Translation is attached.</small>				

Form PTO-1449 SUBSTITUTE U.S. Department of Commerce Patent and Trademark Office INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	Application Number	10/799,264
	Filing Date	March 12, 2004
	First Named Inventor	Don Fishbein
	Art Unit	1614
	Examiner Name	Alicia R. Hughes
	Attorney Docket No.	52427-AA /JPW/GJG/BJA/PJS

NON PATENT LITERATURE DOCUMENTS

Examiner Initials [*]	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Final Office Action issued February 28, 2006 in connection with U.S. Serial No. 10/799,197	
		Office Action issued June 1, 2005 in connection with U.S. Serial No. 10/799,197	
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